

# MINUTES OF THE TOWN BOARD MEETING OF OCTOBER 12, 2011

PRESENT:           Supervisor   Teresa Dean  
                  Council       Edward Fairbrother  
                                  Andy Gillette  
                                  Mike Smith  
                  Attorney     Fred Ahrens  
                  Town Clerk   Linda Cross

Supervisor Dean called the Water Board meeting to order at 4:31 p.m. and requested those present to participate in the Pledge of Allegiance.

## WATER BOARD

Supervisor Dean called the Water Board meeting to order at 4:31 p.m.

PUBLIC HEARING:           4:33 p.m.       Water District #2 Special Assessment

Supervisor Dean called the public hearing to order and read the legal notice duly advertised in the Elmira Star Gazette on October 4, 2011, which allowed and considered public comments regarding the proposed Water District #2 Special Assessment.

IN FAVOR:           None

OPPOSITION:       George Rose, 610 Hillingdon Way, are we still paying for meters since 8 years ago? Supervisor Dean replied the Town took out a bond and it will be paid off the end of 2012.

COMMENTS:       None

Since there were no further comments, Supervisor Dean closed the Water District #2 public hearing at 4:34 p.m.

PUBLIC HEARING:           4:35 p.m.       Water District #3 Special Assessment

Supervisor Dean called the public hearing to order and read the legal notice duly advertised in the Elmira Star Gazette on October 4, 2011, which allowed and considered public comments regarding the proposed Water District #3 Special Assessment.

IN FAVOR:           None

OPPOSITION:       None

COMMENTS:       None

Since there were no further comments, Supervisor Dean closed the Water District #3 public hearing at 4:36 p.m.

MINUTES OF THE TOWN BOARD MEETING OF OCTOBER 12, 2011

PUBLIC HEARING: 4:37 p.m. Water District #4 Special Assessment

Supervisor Dean called the public hearing to order and read the legal notice duly advertised in the Elmira Star Gazette on October 4, 2011, which allowed and considered public comments regarding the proposed Water District #4 Special Assessment.

IN FAVOR: None

OPPOSITION: Geraldine Gabers, 10 Glider Circle informed the Town Board that she doesn't think the water taste nearly as good as it did 45 years ago. It taste like clorox. Supervisor Dean replied Ms. Gabers was the first to bring it to her attention and she would look into this and get back to her. Ms. Gabers was concerned with the fire hydrants. Councilperson Fairbrother replied they where put in by the original people years ago, not the Town.

COMMENTS: None

Since there were no further comments, Supervisor Dean closed the Water District #4 Public Hearing at 4:39 p.m.

OLD BUSINESS

RESOLUTION NO. 208-11  
WATER DISTRICT #2 SPECIAL ASSESSMENT APPROVED

Resolution by: Fairbrother

Seconded by: Smith

WHEREAS the Water Board of the Town of Big Flats, Chemung County has completed an assessment schedule in connection with the financing of existing debt service for capital improvements for Water District #2 and filed the same with the Town Clerk of the Town of Big Flats on September 16, 2011, and

WHEREAS the Water Board caused due notice of the completion of said assessment schedule and of the time and place wherein the Water Board would meet and hear and consider any objections to said assessment schedule, to be duly published according to law, and

WHEREAS Water District #2 consists of 1,052 units with a unit charge for 2012 Water District #2 Special Assessment of approximately \$17.32, and

WHEREAS the Water Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 12, 2011, the time and place specified in said notice and heard and considered all objections to said assessment schedule, now

BE IT THEREFORE RESOLVED the said assessment schedule be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Big Flats, and

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RESOLUTION NO. 208-11, WATER DISTRICT #2 SPECIAL ASSESSMENT continued

FURTHER RESOLVED the Town Clerk shall annex to said assessment schedule a warrant which shall be signed by the Supervisor of the Town of Big Flats and added to the Town tax schedule, and countersigned by the Town Clerk, commanding the Tax Collector of the Town of Big Flats to collect from the several persons named therein the sum or sums opposite their respective names and to pay the same to said Supervisor.

CARRIED: AYES: Smith, Fairbrother, Gillette, Dean  
NAYS: None

RESOLUTION NO. 209-11  
WATER DISTRICT #3 SPECIAL ASSESSMENT APPROVED

Resolution by: Smith  
Seconded by: Gillette

WHEREAS the Water Board of the Town of Big Flats, Chemung County has completed an assessment schedule in connection with the financing of existing debt service for capital improvements for Water District #3 and filed the same with the Town Clerk of the Town of Big Flats on September 16, 2011, and

WHEREAS the Water Board caused due notice of the completion of said assessment schedule and of the time and place wherein the Water Board would meet and hear and consider any objections to said assessment schedule, to be duly published according to law, and

WHEREAS Water District #3 consists of 477 units with a unit charge for 2012 Water District #3 Special Assessment of approximately \$115.95, and

WHEREAS the Water Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 12, 2011, the time and place specified in said notice and heard and considered all objections to said assessment schedule, now

BE IT THEREFORE RESOLVED the said assessment schedule be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Big Flats, and

FURTHER RESOLVED, that the Town Clerk shall annex to said assessment schedule a warrant which shall be signed by the Supervisor of the Town of Big Flats and added to the Town tax schedule, and countersigned by the Town Clerk, commanding the Tax Collector of the Town of Big Flats to collect from the several persons named therein the sum or sums opposite their respective names and to pay the same to said Supervisor.

CARRIED: AYES: Fairbrother, Smith, Gillette, Dean  
NAYS: None

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RESOLUTION NO. 210-11  
WATER DISTRICT #4 SPECIAL ASSESSMENT APPROVED

Resolution by: Gillette  
Seconded by: Fairbrother

WHEREAS the Water Board of the Town of Big Flats, Chemung County has completed an assessment schedule in connection with the financing of existing debt service for Water District #4 and filed the same with the Town Clerk of the Town of Big Flats on September 16, 2011, and

WHEREAS the Water Board caused due notice of the completion of said assessment schedule and of the time and place wherein the Water Board would meet and hear and consider any objections to said assessment schedule, to be duly published according to law, and

WHEREAS Water District #4 consists of 77 units with a unit charge for 2012 Water District #4 Special Assessment of \$156.96, and

WHEREAS the Water Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 12, 2011, the time and place specified in said notice and heard and considered all objections to said assessment schedule, now

BE IT THEREFORE RESOLVED the said assessment schedule be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Big Flats, and

FURTHER RESOLVED, that the Town Clerk shall annex to said assessment schedule a warrant which shall be signed by the Supervisor of the Town of Big Flats and added to the Town tax schedule, and countersigned by the Town Clerk, commanding the Tax Collector of the Town of Big Flats to collect from the several persons named therein the sum or sums opposite their respective names and to pay the same to said Supervisor.

CARRIED: AYES: Fairbrother, Smith, Gillette, Dean  
NAYS: None

Since there was no further business to come before the Water Board, Supervisor Dean closed the Water Board meeting at 4:41 p.m.

SEWER BOARD

Supervisor Dean called the Sewer Board meeting to order at 4:41 p.m.

MINUTES OF THE TOWN BOARD MEETING OF OCTOBER 12, 2011

PUBLIC HEARING: 4:39 p.m. 2012 Special Assessment for Sewer District #1

Supervisor Dean called the public hearing to order and read the legal notice duly advertised in the Elmira Star Gazette on October 4, 2011, which allowed and considered public comments regarding the proposed Sewer District #1 Special Assessment.

IN FAVOR: None

OPPOSITION: None

COMMENTS: None

Since there were no further comments, Supervisor Dean closed the Sewer District #1 public hearing at 4:42 p.m.

PUBLIC HEARING: 4:32 p.m. Scale of Charges.

Supervisor Dean called the public hearing to order and read the legal notice duly advertised in the Elmira Star Gazette which allowed and considered public comments regarding the proposed Scale of Charges District No.1

IN FAVOR: None

OPPOSITION: None

COMMENTS: None

Since there were no further comments, Supervisor Dean closed the Sewer District #1 public hearing at 4:43 p.m.

OLD BUSINESS

RESOLUTION NO. 211-11  
SEWER DISTRICT NO.1 SPECIAL ASSESSMENT APPROVED

Resolution by: Fairbrother

Seconded by: Smith

WHEREAS Sewer Board of the Town of Big Flats, Chemung County has completed an assessment schedule in connection with the financing of existing debt service for capital improvements for Sewer District # 1 and filed the same with the Town Clerk of the Town of Big Flats on September 16, 2011, and

WHEREAS the Sewer Board caused due notice of the completion of said assessment schedule and of the time and place wherein the Sewer Board would meet and hear and consider any objections to said assessment schedule, to be duly published according to law, and

MINUTES OF THE TOWN BOARD MEETING OF OCTOBER 12, 2011

RESOLUTION NO. 211-11, SEWER DISTRICT NO.1 SPECIAL ASSESSMENT continued

WHEREAS Sewer District # 1 consists of 54 units with a unit charge for 2012 Sewer District # 1 Special Assessment of approximately \$623.60, and

WHEREAS the Sewer Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 12, 2011, the time and place specified in said notice and heard and considered all objections to said assessment schedule, now

BE IT THEREFORE RESOLVED the said assessment schedule be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Big Flats, and

FURTHER RESOLVED the Town Clerk shall annex to said assessment schedule a warrant which shall be signed by the Supervisor of the Town of Big Flats and added to the Town tax schedule, and countersigned by the Town Clerk, commanding the Tax Collector of the Town of Big Flats to collect from the several persons named therein the sum or sums opposite their respective names and to pay the same to said Supervisor.

CARRIED: AYES: Smith, Fairbrother, Gillette, Dean  
NAYS: None

RESOLUTION NO. 212-11  
SEWER DISTRICT #1 SCALE OF CHARGES APPROVED

Resolution by: Smith  
Seconded by: Gillette

WHEREAS the Town of Big Flats Sewer District #1 has been created and completed, and

WHEREAS the Town Board has determined that Sewer District #1 Scale of Charges are necessary to maintain, use, operate and/or repair the sanitary sewer for the Town of Big Flats, and

WHEREAS a public hearing was duly held on October 12, 2011 whereat all interested parties were duly heard, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board adopts the Town of Big Flats Sewer District # 1 Scale of Charges.

CARRIED: AYES: Gillette, Fairbrother, Smith, Dean  
NAYS: None

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Since there was no further business to come before the Sewer Board, Supervisor Dean closed the Sewer Board meeting at 4:44 p.m.

### TOWN BOARD

Supervisor Dean called the Town Board meeting to order at 4:45 p.m.

PUBLIC HEARING 4:30 p.m. Special Use Permit – Camping World

Supervisor Dean called the public hearing to order at 4:45 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on October 4, 2011, which allowed and considered public comments from any interested parties here in, at the time specified concerning a Special Use Permit application from Camping World to permit vehicle sales in a BR District, Tax Parcel 57.04-1-7.17 located at Consumer Square.

IN FAVOR: None

OPPOSITION: None

COMMENTS: None

Since there were no further comments, Supervisor Dean closed the Public Hearing at 4:46 p.m.

CONCERNS OF THE PEOPLE – Ann Brouse, 25 Easterbrook East asked what the Town was going to do with compose of leaves and branches seeing Black Gold was closing. Supervisor Dean replied that the Town was working with Black Gold to come up with a schedule.

### REPORTS

Supervisor Dean stated the following reports for September 2011 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report, SPCA and Agriculture & Market  
Monthly Report, Supervisor's Fund Balance Report, Youth  
Department Monthly Report, Department of Public Works  
Monthly Report, Assessor's Monthly Report, Justice Court  
Monthly Report.

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OLD BUSINESS

RESOLUTION NO. 213-11

CAMPING WORLD SALES EVENT SPECIAL USE PERMIT FOR RV SALE APPROVED

Resolution by: Smith

Seconded by: Fairbrother

WHEREAS the Planning Board has received an application from Camping World for site plan approval to permit an RV sales event located off CR 64, Tax Parcel 57.04-1-7.17, and

WHEREAS the property is located in the Business Regional (BR) district near the intersection of I-86 and CR 64, and

WHEREAS the proposed action is to be located in the Consumer Square Plaza in the parking lot of the former Wal-Mart on County Route 64, and

WHEREAS vehicle sales is a use permitted under site plan approval and upon grant of a special permit by the Town Board, and

WHEREAS a public hearing was duly held on October 12, 2011 whereat all interested parties were duly heard, and

WHEREAS the Planning Board of the Town of Big Flats granted site plan approval, Resolution P-2008-29, on August 5, 2008, and

WHEREAS the Planning Board of the Town of Big Flats has determine, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration in Resolution P2008-28, now

BE IT THEREFORE RESOLVED the Town Board approves the special use permit for Camping World with the following conditions:

- Hours of Operation shall be limited to hours within the times of 6:00 am EST and 11:00 pm EST
- The dates of the sales event shall be October 18, 2011 through October 24, 2011
- The applicant may begin moving vehicles onto the site three days prior to the sale, October 15, 2011
- All vehicles shall be removed and the site shall be returned to original condition no later than October 27, 2011
- Operational lighting shall follow the schedule of the plaza
- All signage shall comply with Town of Big Flats Municipal Code Chapter 17.52
- Applicant shall adhere to the site layout as depicted on the approved Site Plan

CARRIED: AYES: Smith, Fairbrother, Dean

NAYS: Gillette

CORRESPONDENCE



## MINUTES OF THE TOWN BOARD MEETING OF OCTOBER 12, 2011

Program Updates/Time Warner Cable. A letter was received from Time Warner Cable, dated October 1, 2011, regarding their programming changes.

Liquor License/ Ruby Tuesdays. A letter was received from Cynthia H. Solmon, Lead Liquor License Specialist, dated September 26, 2011, regarding the renewal of Ruby Tuesdays Inc. Liquor License.

Accomplishments/Friends of the Chemung River Watershed. A letter was received, dated October 4, 2011, from James Pfiffer, Director Friends of the Chemung River Watershed, informing us of all the success they had in 2011 and are anticipating the continued support for 2012.

Community Oriented Policing Services (CORPS)/United States Senate. A letter was received October 4, 2011 from Senator Charles E. Schumer regarding the United States Department of Justice Office of Community Oriented Policing Services new resources for elected officials to tackle important school and youth safety issues.

2012 Laura Bush 21<sup>st</sup> Century Librarian Program/United States Senate. A letter was received, dated October 4, 2011, from Senator Charles E. Schumer regarding the Institute of Museum of Library Services accepting the application for the funding under the 2012 Laura Bush 21<sup>st</sup> Century Librarian Program.

NYS CDBG Economic Development/NYS Homes & Community Renewal. A letter dated September 29, 2011 from Christian Leo, Executive Director, Programs and Planning Office of Community Renewal, regarding a NYS Community Development Block Grant Economic Development Pre-submission Form on behalf of DeMet's Candy.

Field Survey for the FEMA Chemung Watershed Study/Risk Assessment, Mapping, and Planning Partners. A letter was received, dated September 30, 2011, from Milver Valenzuela, PMP, CFM, GISP RAMPP Study Manager, informing the Town that they will be doing a Field Survey for the Chemung Watershed study. They are sending out survey crews from October 5, through April 14<sup>th</sup> and they will work Monday – Sunday 7 a.m. – 7 p.m.

Supervisor Dean made a motion to adjourn the regular Town Board meeting at 4:58 p.m. and continued with the Special Town Board meeting after a brief recess.

Date approved: \_\_\_\_\_

Linda J. Cross  
Town Clerk